

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JUDITH E. LUCKE,

Plaintiff,

CV-06-1149-ST

v.

INTERIM ORDER

MULTNOMAH COUNTY, BERNIE GIUSTO,  
JENNIFER OTT, RONALD BISHOP, and TIM  
MOORE,

\_\_\_\_\_  
Defendants.

STEWART, Magistrate Judge:

**INTRODUCTION**

For the purpose of allowing the parties the maximum time possible to prepare for trial, the Court issues this Interim Order with respect to defendants' motion for summary judgment. A complete Opinion and Order will follow to explain in full the Court's rulings and rationale and, in addition, to address the plaintiff's ADA harassment (hostile work environment ) claim once it has had the opportunity to review the parties' supplemental briefing.

**ORDER**

Defendant's motion for summary judgment is DENIED in part and GRANTED in part as follows:

Claims 1 (ADA) & 2 (ORS 659A.100-.145): Granted as to retaliation in violation of the ADA; denied as to disability discrimination on a mixed motive theory under the ADA and disability discrimination and retaliation under ORS 659A, but plaintiff's alleged disability is limited to the major life activity of sleeping;

Claims 3 (FMLA) & 4 (OFLA): Denied, but OFLA liability is limited to allegations falling within 180 days before the filing of the initial Complaint;

Claims 5 (Title VII) & 6 (ADEA): Granted;

Claim 7 (ORS 659A.030): Granted as to age discrimination; denied with respect to sex discrimination based on allegations falling within 180 days before the date of the first Oregon Tort Claims Act notice;

Claim 8 (§ 1983): Denied with respect to First Amendment violations by all defendants; otherwise granted;

Claim 9 (ORS 659A.230): Granted;

Claims 10 (ORS 659A.040) & 11 (ORS 659A.046): Denied.

DATED this 21st day of August, 2008.

/s/ Janice M. Stewart\_\_\_\_\_  
Janice M. Stewart  
United States Magistrate Judge